



June 2, 2009

To: Libby City Council

From: Rebecca Thomas
EPA Project Manager

In a recent conversation with Mike Cirian (EPA), City Councilman Orr posed a number of questions regarding the City of Libby's Export Plant property, also known as Operable Unit 1 of the Libby Asbestos Superfund Site. Mike forwarded those questions to me for response. If City Council has any further questions, please contact me at (303) 312-6552 or thomas.rebecca@epa.gov.

- 1) Who put the fence up at the Export Plant?

EPA erected the fence to protect our response action in the Riverside Park area from potential cross-contamination from the rest of the property.

- 2) Did EPA inform the City about the fence?

While I do not have direct knowledge of these conversations, I understand the EPA had discussions with the former Mayor for the City of Libby and City maintenance personnel about erecting the fence on the Export Plant property. EPA has and continues to maintain the fence to protect the integrity of past response actions.

- 3) What are the reasons for the fence?

EPA erected the fence to limit the potential for cross contamination between areas of the site where response actions have already been conducted and those areas of the site where residual asbestos contamination may remain in surface soil.

- 4) Are people using the Export Plant property safe?

EPA is working toward selection of a final remedy for the Export Plant which can provide certainty with respect to protectiveness of human health. Any remedy selected by EPA will break exposure pathways between asbestos contamination and people to ensure that the remedy is protective. In the interim, it would be advisable to limit activities on the property to those that do not disturb potentially contaminated soil.

5) What are the City of Libby's liabilities?

As long as the City of Libby does not use the property in such a way as to exacerbate the potential for harm to human health and the environment, the City will not incur liability under CERCLA. To avoid CERCLA liability, the City, as property owner, should provide access and cooperate with EPA during environmental response actions.

6) Why isn't the potential for contamination posted?

The greatest risk of exposure is from activities that disturb soil. If the City plans to conduct activities on the property that disturb soil, the City may want to consider posting signs.